

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:

Geralex, Inc.,

Debtor.

Chapter 11

Bankruptcy No. 16-6479

Honorable Pamela S. Hollis

NOTICE OF MOTION

Please take notice that on **September 14, at 10:00 a.m.** or as soon thereafter as counsel may be heard, the undersigned attorneys shall appear before the Honorable Pamela S. Hollis, United States Bankruptcy Judge for the Northern District of Illinois, in Courtroom 644 of the Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, Illinois, and then and there shall present the **Reorganized Debtor's Motion for Entry of Final Decree Closing Chapter 11 Case**, a copy of which is attached hereto and herewith served upon you.

Dated: September 5, 2017

Geralex, Inc.

By: /s/ Z. James Liu

One of its attorneys

William J. Factor (6205675)

Z. James Liu (6313367)

FACTORLAW

105 W. Madison, Suite 1500

Chicago, IL 60602

Tel: (847) 239-7248

Fax: (847) 574-8233

Email: wfactor@wfactorlaw.com

jliu@wfactorlaw.com

CERTIFICATE OF SERVICE

I, Z. James Liu, an attorney, hereby certify that on September 5, 2017, pursuant to Section II.B.4 of the Administrative Procedures for the Case Management/Electronic Case Filing System and Fed.R.Civ.P. 5(a), I caused a copy of the foregoing *Notice of Motion* and the accompanying *Motion* to be served electronically through the Court's Electronic Notice for Registrants on all persons identified as Registrants on the Service List below and by U.S. mail on all other persons identified on the Service List below.

/s/ Z. James Liu

SERVICE LIST

Registrants

(Service via ECF)

Librado Arreola on behalf of Creditor Local 25 SEIU Pension Trust la@ulaw.com

Jeffrey Grant Brown on behalf of Creditor Yesenia Oquendo jeff@jgbrownlaw.com

William J Factor on behalf of Debtor 1 Geralex, Inc. wfactor@wfactorlaw.com, wfactorlaw@gmail.com; bharlow@wfactorlaw.com; wfactor@ecf.inforuptcy.com; wfactormyecfmail@gmail.com

Michael N Folga on behalf of Creditor Caliendo mnf@mcmanuslawfirm.com

Michael N Folga on behalf of Creditor Barbara Pfneisl mnf@mcmanuslawfirm.com

Patrick S Layng USTPRegion11.ES.ECF@usdoj.gov

Zhijun Liu on behalf of Debtor 1 Geralex, Inc. jliu@wfactorlaw.com, jliu@ecf.inforuptcy.com; bharlow@wfactorlaw.com; nbouchard@wfactorlaw.com

Sara E Lorber on behalf of Debtor 1 Geralex, Inc. slorber@wfactorlaw.com, slorber@ecf.inforuptcy.com; nbouchard@wfactorlaw.com; bharlow@wfactorlaw.com

Cornelius McKnight on behalf of Creditor Mary and John Buck nmcknight@mkplawyers.com

Jack M Shapiro on behalf of Creditor Howard Freedberg jack@danielgoodmanlaw.com

Brian R Zeeck on behalf of Creditor United Maintenance Company, Inc. bzeeck@hinshawlaw.com, cynthiablack@hinshawlaw.com

Non-registrants

(Service via regular U.S. mail)

See attached mailing matrix

Label Matrix for local noticing

0752-1

Case 16-06479

Northern District of Illinois

Chicago

Fri Apr 8 15:44:17 CDT 2016

Geralex, Inc.

1100 W. Cermak Rd. Suite B114

Chicago, IL 60608-4540

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Ally Financial
PO Box 130424
Roseville MN 55113-0004

Ally Financial
PO Box 9001948
Louisville, KY 40290-1948

American Express
PO Box 0001
Los Angeles, CA 90096-8000

Barbara Pfneisel
c/o Brian J. McManus, Attorney
30 N. LaSalle, 2126
Chicago, IL 60602-3371

Byline Bank
3639 N. Broadway St.
Chicago, IL 60613-4421

Capital One Bank (USA), N.A.
PO Box 71083
Charlotte, NC 28272-1083

Cermak & Racine Properties, LLC
1100 W. Cermak Rd.
Chicago, IL 60608-4560

Comcast
Bankruptcy Department
1255 W. North Ave.
Chicago, IL 60642-1562

Commonwealth Edison
PO Box 6111
Carol Stream, IL 60197-6111

David Hill, Chicago Real Value Fund
5431 N. Kildare Ave
Chicago, IL 60630-1792

Department of the Treasury
Internal Revenue Service
P.O. Box 7346
Philadelphia, Pennsylvania 19101-7346

Glenview State Bank
800 Waukegan Rd.
Glenview, IL 60025-4310

Hansen Cochrane & Reed, LTD.
60 Revere Dr.
Suite 960
Northbrook, IL 60062-1581

Hartford Fire Insurance Company
Bankruptcy Unit NP3-R Hartford Plaza
Hartford, CT 06115

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS PO
BOX 7346
PHILADELPHIA PA 19101-7346

Illinois Department of Revenue
PO Box 19305
Springfield, IL 62794-9305

Internal Revenue Service
Mail Stop 5014CHI
230 S. Dearborn Street, Room 2600
Chicago, Illinois 60604-1705

Local S.E.I.U Welfare Fund, et al. c/
o Robert B. Greenberg, Attorney 200
W. Jackson Boulevard, Ste. 1900
Chicago, IL 60606-6942

Lynn Grande
c/o Barry G. Doyle, Attorney
15255 94th St, 5th Floor
Orland Park, IL 60462-3800

Nicole Caliendo
c/o Brian J. McManus, Attorney
30 N. LaSalle, 2126
Chicago, IL 60602-3371

Peoples Energy
Attn: Bankruptcy
130 East Randolph Drive, 17th Floor
Chicago, IL 60601-6207

Peoples Gas
PO Box 19100
Green Bay, WI 54307-9100

(p)SPRINT NEXTEL CORRESPONDENCE

ATTN BANKRUPTCY DEPT

PO BOX 7949

OVERLAND PARK KS 66207-0949

(p)C O AMERICAN INFOSOURCE LP

4515 N SANTA FE AVE

OKLAHOMA CITY OK 73118-7901

Tennant

12875 Ransom St.

Holland, MI 49424-9273

The Hartford
The Hartford Financial Services Grp
One Hartford Plaza
Hartford, CT 06155-0001

The Home Depot
PO BOX 790328
St. Louis, MO 63179-0328

The International Business Law Group, LLC
150 N. Michigan Ave., Ste. 3680
Chicago, IL 60601-7586

The Standard Companies
2601 S. Archer Ave
Chicago, IL 60608-5913

Travelers
Travelers CL Remittance Center
PO BOX 660317
Dallas, TX 75266-0317

Unicom
12560 S Holiday Dr.
Building C
Alsip, IL 60803-3248

United Maintenance Services
1550 S. Indiana Ave
Chicago, IL 60605-4831

University of Chicago
5801 S. Ellis Ave
Chicago, IL 60637-1546

capital one
PO Box 6492
Carol Stream, IL 60197-6492

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:

Geralex, Inc.,

Debtor.

Chapter 11

Bankruptcy No. 16-6479

Honorable Pamela S. Hollis

**REORGANIZED DEBTOR'S MOTION
FOR ENTRY OF FINAL DECREE
AND ORDER CLOSING CHAPTER 11 CASE**

1. Because the bankruptcy estate in this case has been fully administered, Geralex, Inc. (the “*Reorganized Debtor*”) seeks entry of a final decree and order closing this chapter 11 case.

BACKGROUND

2. On February 26, 2016 (the “*Petition Date*”), the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code.

3. The Debtor is an Illinois corporation with its principal place of business in Chicago, Illinois. The Debtor provides janitorial services to commercial and government facilities, such as airports and schools. It has been in business since 2003. The Debtor is differentiated in the janitorial services business by being woman- and minority-owned and engaging in environmentally sustainable practices with a deep commitment to the community. It is owned by Alejandra Alvarado (60%) and Gerardo Alvarado (40%).

4. Prior to commencing this case, the Debtor was embroiled in litigation with a group of plaintiffs who alleged violations of the Fair Labor Standards Act, the Illinois Minimum Wage Law, and the Wage Payment and Collection Act (the “*Litigation*”). The Litigation has been settled, and that settlement has been approved by this Court. (Dkt. 36.)

5. On March 30, 2017, the Court entered an order confirming the Debtor's Plan of Reorganization. The effective date of the Plan was April 20, 2017.

6. The Plan requires that the Reorganized Debtor make the following payments or take the following actions following the Plan's effective date:

Type or Class of Claims	Creditors	Date of payment or treatment under Plan	Status of payments
U.S. trustee fees.	U.S. trustee.	Paid quarterly.	The Reorganized Debtor paid U.S. trustee fees assessed through the filing of this motion and will pay the remaining fees once the final fees due have been calculated.
Unclassified administrative expense claims.	Professionals retained in the case. ¹	Paid according to section 4.2.1.1 of the Confirmed Plan.	Allowed claims paid except by agreement of retained professionals.
	Ordinary course trade vendors.	Claims to be paid in the ordinary course of business.	Paid in the ordinary course of business.
Class 1	Secured Claim of Ally Financial.	The loan between the Debtor and Ally Financial continues under the same terms and conditions as existed prior to the Petition Date.	All payments required to date have been made.
Class 2	Unliquidated Tort Claims	The holders of Class 2 Claims retained all pre-petition rights and remedies.	All payments required to date have been made.

¹ Professionals retained in this case include The Law Office of William J. Factor, Ltd. (the Debtor's bankruptcy counsel), The International Business Law Group LLC (the Debtor's non-bankruptcy outside general counsel) and Vidal & Associates Ltd. (the Debtor's accountant).

Type or Class of Claims	Creditors	Date of payment or treatment under Plan	Status of payments
Class 3	Unsecured Claims	The Reorganized Debtor will contribute its Annual Cash Flow, up to a total of \$65,000, to the Unsecured Creditor Escrow Account for years ending March 31, 2018, 2019, 2020 and 2021 by April 15 of each year. Holders of Allowed Class 3 Claims will receive annual pro rata distributions on May 15, each year.	All payments required to date have been made.
Class 4	Convenience Class	Allowed Class 4 Claims were to receive payment in full within 15 days of the effective date, or May 5, 2017.	All payments required to date have been made.
Class 5	Owners of Geralx, Inc.	Retain equity interests in the Reorganized Debtor.	Retained equity interests.

7. Finally, there are no pending matters left for this Court to address.

DISCUSSION

8. “After an estate is fully administered in a chapter 11 reorganization case, the court, on its own motion or on motion of a party in interest, shall enter a final decree closing the case.” Fed. R. Bankr. P. 3022; *accord* 11 U.S.C. § 350(a).

9. The Bankruptcy Code and Rules do not define when an estate is fully administered, so courts “should review each request for entry of a final decree on a case-by-case basis and analyze the factors set forth in Rule 3022, along with any other relevant factors, in determining whether an estate has been fully administered.” *Spierer v. Federated Dep’t Stores, Inc. (In re Federated Dep’t Stores,*

Inc.), 43 Fed. Appx. 820, 822 (6th Cir. 2002); *accord In re Mold Makers, Inc.*, 124 B.R. 766, 768 (Bankr. N.D. Ill. 1990).

10. The factors considered include: (a) whether the order confirming the plan has become final; (b) whether deposits required by the plan have been distributed; (c) whether the property proposed by the plan to be transferred has been transferred; (d) whether the debtor or the successor of the debtor under the plan has assumed the business of the management of the property dealt with by the plan; (e) whether payments under the plan have commenced; and (f) whether all motions, contested matters, and adversary proceedings have been finally resolved. Fed. R. Bankr. P. 3022 Advisory Note.

11. Whether or not there is a possibility that a court's jurisdiction may be invoked in the future is not a basis to keep a case open, as a final decree closing the case after the estate is fully administered does not deprive the court of jurisdiction to enforce or interpret its own orders and does not prevent the court from reopening the case for cause pursuant to 11 U.S.C. § 350(a). *Id.*

12. Here, the applicable factors are largely satisfied and the Reorganized Debtor's case has been finally administered. Specifically, (a) the order confirming the Plan is final, (b) the Reorganized Debtor has assumed responsibility for the property to be dealt with under the Plan, (c) all payments thus far required by the Plan have been made, and (d) all motions, contested matters, and adversary proceedings have been resolved.

13. There is therefore no further need for supervision by this Court. (And in the unlikely event that an issue does arise, this Court retains jurisdiction under article 12 of the Plan to resolve that issue.)

NOTICE

14. Seven days' notice of this motion has been provided to: (a) the Reorganized Debtor; (b) the United States trustee; (c) the Debtor's creditors; and (d) any other party that has filed an appearance or requested notice in the case. The Reorganized Debtor submits that, under the circumstances, such notice is adequate and that no further notice is required.

Wherefore, the Reorganized Debtor respectfully requests that the Court enter a final decree and order closing the case, and grant such further relief as is appropriate under the circumstances.

Dated: September 5, 2017

Geralex, Inc.

By: /s/ Z. James Liu

One of its attorneys

William J. Factor (6205675)

Z. James Liu (6313367)

FACTORLAW

105 W. Madison, Suite 1500

Chicago, IL 60602

Tel: (847) 239-7248

Fax: (847) 574-8233

Email: wfactor@wfactorlaw.com

jliu@wfactorlaw.com